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10/580,289

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EXAMINER

RANDALL, JR., KELVIN L

ART UNIT

PAPER NUMBER

4174

MAIL DATE

DELIVERY MODE

04/23/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/580,289	Applicant(s) TAM ET AL.	
	Examiner Kelvin L. Randall, JR.	Art Unit 4174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05/24/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 May 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>05/24/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p) (4) because reference character 29 has been used to designate both Pins – (page 7 lines 22 and 24, and page 9 lines 10, 25, and 26) and Guides - (page 7 lines 18 and 19 and page 10 lines 6 and 7). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

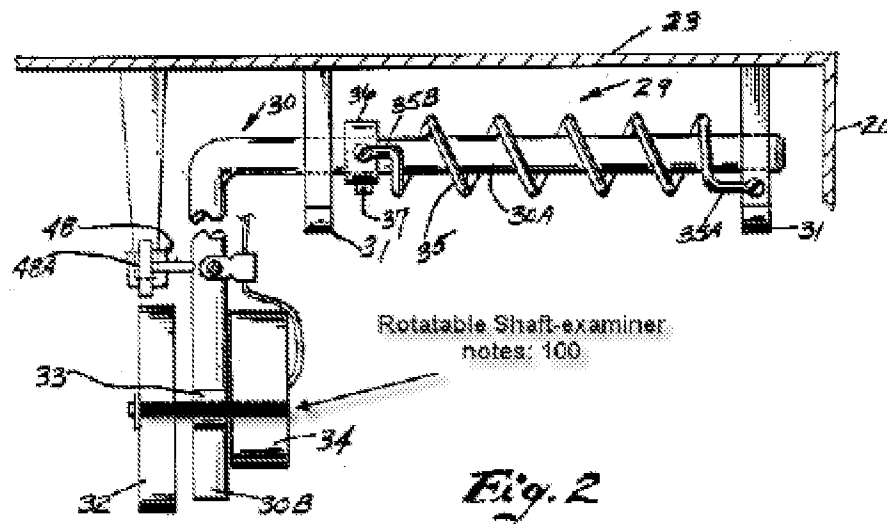
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6, 10-16, and 19-23 are rejected under 35 U.S.C. 102(b) as being anticipated by S.S. Brenner (3,503,481, hereinafter Brenner).

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Re Claim 1:

Brenner teaches device for dispensing a bag from a stack of bags (15, col. 3 lines 42-45), the device comprising: a plate (25) having a frame (16); a rotatable shaft coupled to said frame (100- as seen in examiner's drawings); at least one roller (wheel 32) non-rotatably affixed to said shaft and arranged to engage a bag (10) of the stack of bags; means for rotating said shaft (motor 34) (col. 4 lines 15-32); and means for automatically stopping rotation of said shaft after a single bag has been dispensed (switch 42 col. 5 lines 47-53), wherein the stack of bags is held against one side of said plate (25), and said single bag is dispensed to an opposite side of said plate (26) (col. 3 lines 47-70) (It should be noted that when reference teaches of motor means connected to wheel, it also includes examiner's said shaft).



Re Claim 2:

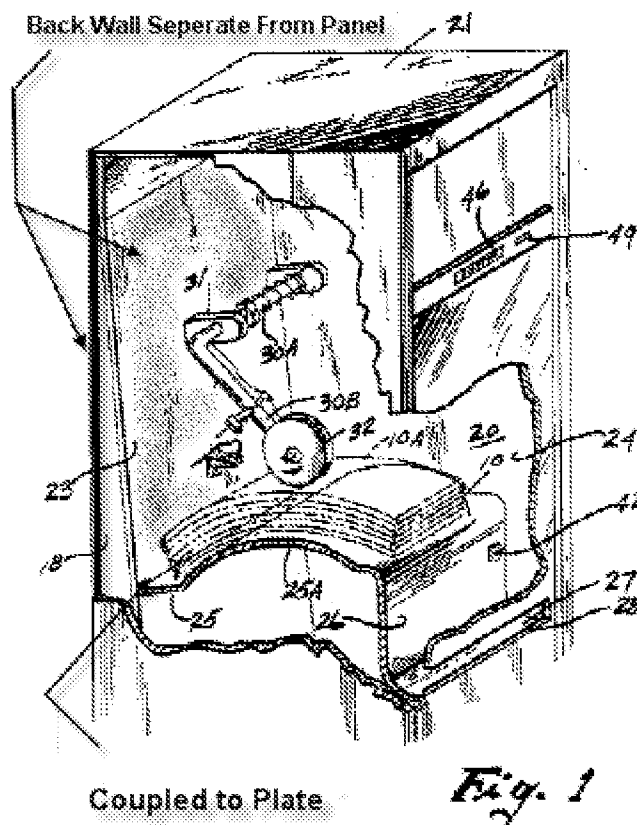
Brenner teaches wherein said rotatable shaft (100) is mounted on said frame (16 and 23- all considered part of frame) (col. 4 lines 20-23) and further comprising a bag

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retaining element (hump 25A) coupled to said plate for pressing the stack of bags against said at least one roller (col. 3 lines 53-65).

Re Claim 3:

Brenner teaches wherein said rotatable shaft (100) is mounted on a bag retaining element (back wall 23) coupled to said plate for pressing the stack of bags against said rollers (col. 3 lines 45-65) (examiner notes that back wall 23 is separate from back panel 18 and is coupled to the plate which assists in pressing the stack of bags against the roller).



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Brenner teaches wherein said means for automatically stopping includes a dispensed bag detector (switch 42) adapted to stop rotation of said shaft in response to detection of a dispensed bag (col. 5 lines 48-52).

Re Claim 5:

Brenner teaches wherein said rotating means includes: a motor (motor means 34); and a transmission (motor means 34); coupling said motor to said rotatable shaft such that said motor drives said shaft (col. 4 lines 29-31).

Re Claim 6:

Brenner teaches wherein said means for stopping includes a dispensed bag detector (switch 42) coupled to said motor (motor means 34) and adapted to stop rotation of said motor in response to detection era dispensed bag (col. 5 lines 48-52).

Re Claim 10:

Brenner teaches wherein said bag retaining element (combination of hump 25A, wheel 32, and carrier 30-30B) includes a bag-retaining bar (carrier 30-30B) for engaging and retaining said stack of bags (10) against said at least one roller (32) before and during dispensing (col. 3 lines 57-65 and col. 4 lines 20-32).

Re Claim 11:

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Brenner teaches wherein said bag-retaining bar is coupled to an arm pivotally coupled to said plate (examiner notes that carrier 30-30B are connected to 30A which is connected to the back wall 23 which is also considered part of the plate along with 25, 25A, and 26) (see Fig. 1).

Re Claim 12

Brenner teaches further comprising a housing (16) in which the device is mounted, said housing including an opening (28) adjacent said opposite side of the plate for removal of a dispensed bag (col. 3 lines 42-70).

Re Claim 13:

Brenner teaches a display (legend 46) on the outside of the housing (16) (col. 4 lines 69-73).

Re Claim 14:

Brenner teaches wherein said display includes a frame (16) (see Fig. 1, display integral with frame).

Re Claim 15:

Brenner teaches wherein said display includes a light box (45) (col. 4 lines 69-73).

Re Claim 16:

Brenner teaches wherein said display includes an electronic display (45 and 46) coupled to a controller (circuit 39) (col. 4 lines 69-75).

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Re Claim 19:

Brenner teaches further comprising an elongate guide (25A) mounted adjacent said rollers to guide dispensed bags away from the rollers (examiner notes that hump 25A also serves as a guide to allow for both non slipping and dispensing of the bags in a pre determined position so as to follow a specific trail) (see Fig. 1).

Re Claim 20:

Brenner teaches method for dispensing a bag from a stack of bags, the method comprising: holding a stack of bags against at least one roller (32) non-rotatably affixed to a rotatable shaft (100) coupled to a plate (25) having a frame (16); dispensing one bag from said stack of bags (10) to an opposite side of said plate from said stack of bags by rotating said rotatable shaft (see Fig. 1 and Fig. 2); and automatically stopping rotation of said shaft after dispensing a single bag (col. 5 lines 47-53).

Re Claim 21:

Brenner teaches wherein said step of automatically stopping includes detecting presence of a bag (10A) adjacent a dispensed bag detector (42); and stopping rotation of said shaft in response thereto (col. 5 lines 47-53).

Re Claim 22:

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Brenner teaches drivingly coupling a motor (34) to said rotatable shaft (100), such that actuation of said motor cause said rotatable shaft to rotate; and causing said plurality of rollers (32-whell can consist of any number so long as not to impair scope of invention) to engage an outermost bag in said stack of bags, such that rotation of said rotatable shaft causes said rollers to remove said outermost bag from said stack of bags (col. 4 lines 15-53).

Re Claim 23:

Brenner teaches wherein said step of automatically stopping includes automatically stopping said motor in response to dispensing a single bag from the stack (col. 5 lines 47-53).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7, 8, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brenner in view of J. C. Perrin (1,913,722, hereinafter Perrin).

Re Claim 7, 8 and 25:

Brenner teaches a device for dispensing a bag from a stack of bags using an automatic means, but fails to teach the device using a manual means such as a handle.

Perrin teaches wherein said means for rotating includes manual means for rotating said shaft (see Fig. 1 and Fig. 2). Re Claim 8: Perrin teaches said manual means being a handle (46). Re Claim 25: Perrin teaches further comprising drivingly coupling a manual rotation means to said rotatable shaft, such that actuation of said manual rotation means rotates said shaft (happens when you turn handle). It would have been obvious for one of ordinary skill in the art to modify the invention as taught in Brenner's disclosure with that of Perrin's by way of commonality in dispensing techniques and both introducing a technique for dispensing sheet like materials. It should also be noted that handles have been around for a long time and are a common use for rotating a shaft about a fixed axis.

6. Claim 9 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brenner in view of Varichon et al. (6,006,495, hereinafter Varichon).

Brenner teaches a device for dispensing a bag from a stack of bags with a rotatable shaft coupled to said frame, but fails to teach of a second rotatable shaft mounted parallel to said rotatable shaft on an extension of said frame.

Varichon teaches a second rotatable shaft (11 and 21) mounted parallel to said rotatable shaft on an extension (4) of said frame (col. 2 line 52); at least one roller non-rotatably affixed to said second shaft (see Fig. 1); wherein each roller on said rotatable shaft is coupled to a roller on said second shaft (see Fig. 4), whereby rotation of said rotatable shaft causes concomitant rotation of said second shaft (col. 3 lines 64-col 4 line 4). Therefore, it would have been obvious to combine the two inventions on the

idea that they both show a form of bag dispenser using a form of roller and shaft combination. Using Varichon's unique disclosure with that of Brenner's would not hinder the scope of the invention and would allow for the same principal goal of dispensing the bags to be met.

7. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brenner in view of Dumont (5,641,039 hereinafter, Dumont).

Re Claim 17 and 18:

Brenner teaches a bag dispensing device which is located within a store and uses multiple signals to verify multiple sources of information, but fails to teach of a particular signal coupled to a central store computer or cash register.

Dumont teaches wherein said controller is coupled to a central store computer (35). Re Claim 18: Dumont teaches further comprising a controller for controlling said device, and an electronic connection for coupling said controller to a cash register (35) for communication therewith (see Summary of the Invention). Therefore, it would have been obvious for one of ordinary skill in the art to modify Brenner's invention with that of Dumont's due to the fact that they are both bag dispenser located within a general store environment and with today's modern advancements in technology it would be clear to convert a typical coin dispenser, which intention is to monitor a dispensing means, with a newer mechanism for monitoring, such as a computer or likewise cash register. Also,

Brenner displays forms of signals and controllers within his disclosure which show a general idea of relaying and receiving signals for dispensing purposes.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. FEUSTEL (DE 4,034,863 A1-shows a disclosure closely related to applicants disclosure and embodies a dispenser within housing with rollers rotatably mounted to a handle which pivots). Stanley Brenner (3,586,207-shows another disclosure with a dispenser within a housing and a rotation device for dispensing). David Allen Hendricks (4,032,038- a form of bag dispenser). Ifkovits; Edward M. (5,249,787-type of dispenser). Nakagawa et al. (5,833,230- type of dispenser). White et al. (2004/0,082,454- computer controlled dispensing device). Smith et al. (5,890,344-sheet dispenser). Hanson (3,754,370-bags dispensed by roller). Daniels (4,802,606-handle feature). Charest (3,685,691-another handle feature). Schafer (5,492,398-Dispensed by rollers through opening). Toner (4,912,906-store bagging system). Denen et al. (2002/0,017,578 A1-dispenser). Cappi et al. (5,167,301-type of store dispenser).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelvin L. Randall, JR. whose telephone number is

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(571)270-5373. The examiner can normally be reached on Monday-Friday 8:30 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Nguyen can be reached on (571)272-2402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ K. L. R. /
Examiner, Art Unit 4174

/Kimberly D Nguyen/
Supervisory Patent Examiner, Art Unit 4174